

REMARKS

Claims 1 to 75 were pending. The Examiner withdrew claims 7 to 11, 30 to 32, 34, 39 to 41, 44, 54 to 58, 66 to 68, 70, and 73 to 75 as being drawn to a non-elected species. Claims 2, 37, and 49 have been canceled and claims 1, 36, 42, 43, 45, and 72 have been amended. The amendments to the claims add the subject matter of canceled claims 2, 37, and 49 to several independent claims. After entry of the amendments, claims 1, 3 to 36, 38 to 48, and 50 to 75 will be pending and claims 1, 3 to 6, 12 to 29, 33, 35, 36, 38, 42, 43, 45 to 48, 50 to 53, 59 to 65, 69, 71, and 72 will be under examination.

The Examiner rejected claims 1 to 6, 12 to 29, 33, 35 to 38, 42, 43, 45 to 53, 59 to 65, 69, 71, and 72 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,290,673 B1 to Shanley in view of U.S. Patent No. 4,774,949 to Fogarty.

Applicant respectfully traverses this rejection of the claims. Although Applicant disagrees with the Examiner, the independent claims 1, 36, 42, 43, 45, and 72 have been amended to recite that the proximal portion of the third elongate tubular body is maintained within the lumen of the first elongate tubular body by one or more magnetic or mechanical stops. Shanley does not teach or suggest a catheter in which the proximal portion of the third elongate tubular body is maintained within the lumen of the first elongate tubular body by one or more magnetic or mechanical stops. Fogarty does not remedy this defect of Shanley.

The Examiner construed Figures 9 and 10 of Shanley as showing a first elongate tubular body 72, a second elongate tubular body 14, an elongate member 76, and a third elongate body 52. The Examiner admitted that Shanley does not teach that the third body has a lumen with proximal and distal openings and substituted the catheter 36 of Fogarty for the guidewire 52 of Shanley (guidewire 54 in Figure 10). Although Applicants disagree with the Examiner, the claims

under examination have been amended as described above. The claims under examination now require that the proximal portion of the third elongate tubular body is maintained within the lumen of the first elongate tubular body by one or more magnetic or mechanical stops. However, neither Shanley nor the combination of Shanley with Fogarty teaches or suggests such a structure. In Shanley the guidewire 52 is free to move out of auxiliary loop 72 and there is no magnetic or mechanical stop to prevent this free movement of the guidewire 52 out of the auxiliary loop 72. In addition, it is clear to one of skill in the art that the proximal portion of the guidewire 52 is not within the lumen of the auxiliary loop 72 when the tissue supporting device is in place at a branch artery in a patient (see Figure 4). Fogarty does not remedy these defects of Shanley.

On page three of the October 15, 2007 Office Action in connection with claims 2 and 37, the subject matter of which has been incorporated into the independent claims under examination, the Examiner contends that the tissue supporting device 30 of Shanley acts as a mechanical stop. Tissue supporting device 30 does not act as a mechanical stop that maintains the proximal portion of the guidewire 52 within the lumen of the auxiliary loop 72, as required by the claims under examination. All other claims in this rejection depend from the independent claims discussed above so the same analysis applies to them.

The separate subject matter of the dependent claims is also not suggested by the cited references. For instance, dependent claim 3 recites that the entire third elongate tubular body is able to be disposed within the lumen of the first elongate tubular body. In Shanley the entire guidewire 52 clearly cannot be disposed within the lumen of auxiliary loop 72 and Fogarty does not remedy this defect.

Dependent claim 13 recites that the second elongate tubular body has an inner diameter that decreases from the proximal end to the distal end of the second

elongate tubular body. In Shanley there is no indication that the inner diameter of main loop 14 changes and Fogarty does not remedy this defect. Applicant does not understand the Examiner's statement on page three of the October 15, 2007 Office Action that "Fogarty teaches that the second elongate member has an inner diameter which increases rather than decreases from the proximal end to the distal end" and that it would have been obvious to reverse this orientation. The Examiner has not identified a second elongate member in Fogarty and how this member might relate to the second elongate body of Shanley.

The Examiner contends that the subject matter of claims 18 to 28 is within the skill of one of ordinary skill in the art. Applicants disagree. If the Examiner maintains the rejection of the claims, Applicants respectfully request that the Examiner cite a reference or provide an affidavit under 37 C.F.R. § 1.104(d)(2) to support this contention. Other dependent claims contain separate subject matter that is not suggested by the cited references.

In view of the amendments and remarks above, Applicant respectfully requests that the Examiner withdraw this rejection of the claims.

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Amendment

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Serial No.: 10/724,816

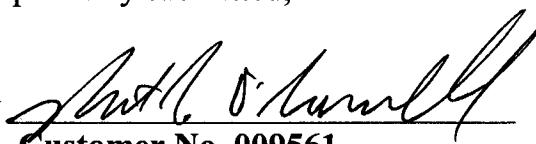
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an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our deposit account.

Respectfully submitted,

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By



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